

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

NEW HAMPSHIRE INDONESIAN
COMMUNITY SUPPORT, *et al.*,

Plaintiffs,

v.

PRESIDENT DONALD TRUMP, *et al.*,

Defendants.

Case No. 1:25-cv-00038

**BRIEF OF THE STATES OF IOWA
AND 17 STATES AS *AMICI CURIAE*
IN OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

**CONSENT MOTION BY THE STATE OF IOWA AND 18 OTHER STATES FOR
LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF PLAINTIFFS**

The State of Iowa and 17 other States respectfully move for leave to submit the attached *amicus curiae* brief in support of Defendants. Proposed *Amici* are States with a vested interest in ensuring the proper interpretation of the Constitution. Plaintiffs' incorrect interpretation of the Citizenship Clause of the United States is a strong incentive for illegal immigration and birth tourism in the hope of providing children with citizenship. That increased illegal immigration has serious costs on the States. *Amicis'* perspective ensures that the Court is aware of strong counterarguments from States as to how Plaintiffs' position may affect State interests.

Federal district courts possess the inherent authority to accept amicus briefs. *League of Women Voters of New Hampshire v. Kramer*, 2024 WL 4604323, at *1 (D.N.H. Oct. 29, 2024); *Boston Gas Co. v. Century Indem. Co.*, 2006 WL 1738312, at *1 n.1 (D. Mass. 2006). The role of an *amicus curiae* "is to assist the court in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by ensuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision." *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass.)

(internal quotations omitted). Indeed, federal district courts “frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F.Supp.2d 1061, 1067 (N.D. Cal. 2005).

No Federal Rule or statute dictates how district judges decide petitions to appear as *amicus curiae*. But most courts “look to the Federal Rules of Appellate Procedure for guidance on permitting amicus briefs.” *Friends of Animals v. United States Fish & Wildlife Serv.*, 2021 WL 4440347, at *1 (D. Utah 2021). The Federal Rules of Appellate Procedure allow a State to file an amicus brief “without the consent of the parties or leave of court.” Fed. R. App. P. 29(a)(2). That rule reveals a strong policy preference for allowing States to provide their perspective and represent their interests.

Because of the States’s important role in our Constitutional order in our federalist system, the States have a unique perspective “that can help the court beyond the help that the lawyers for the parties are able to provide.” *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1064 (7th Cir. 1997). This Court would benefit from following the guidance of the Federal Rules and granting the motion.

Counsel for the Plaintiffs and for the Defendants consent to the relief requested in this motion.

CONCLUSION

For the above reasons, the State of Iowa and 17 other States request the Court’s leave to file an amicus brief.

Respectfully Submitted,

Amici Curiae State of Iowa and 17 other States

By their attorneys,
Lehmann Major List, PLLC

/s/Richard J. Lehmann

February 3, 2025

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CERTIFICATION

I hereby certify that a copy of this pleading was this day forwarded to opposing counsel via the court's electronic service system.

February 3, 2025

/s/*Richard J. Lehmann*

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